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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/603,891	06/24/2003	Kenneth F. Buechler	071949-6804

## CONFIRMATION NO. 4895

30542  
 FOLEY & LARDNER  
 P.O. BOX 80278  
 SAN DIEGO, CA 92138-0278

## FORMALITIES LETTER



\*OC000000012713950\*

Date Mailed: 05/19/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at

06/24/2004 MBELETE1 00000027 500872 10603891

01-FC:1051 130.00 DA

Adjustment date: 06/25/2004 MBELETE1

06/24/2004 MBELETE1 00000027 500872 10603891

01-FC:1051 130.00 CR

**patin21help@uspto.gov or patin3help@uspto.gov**

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Atty. Dkt. No. 071949-6804

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Buechler et al.

Title: MARKERS FOR DIFFERENTIAL  
DIAGNOSIS AND METHODS OF  
USE THEREOF

Appl. No.: 10/603,891

Filing Date: 6/24/2003

Examiner: Unknown

Art Unit: 1641

<b>CERTIFICATE OF MAILING</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.	
<i>Germaine Sarda</i> (Printed Name)	
<i>Germaine Sarda</i> (Signature)	
August 19, 2004 (Date of Deposit)	

**TRANSMITTAL OF MISSING PARTS  
OF PATENT APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application mailed May 19, 2004, in  
the above-identified application, transmitted herewith are the missing parts to complete the filing  
of the subject patent application.

Enclosed are:

- Amendment in Response to Notice to File Missing Parts (3 Pages);
- Declaration and Power of Attorney (5 pages)
- Return Copy of Notice to File Missing Parts (2 pages)
- Sequence Listing Paper Copy (3 Pages)
- Computer Disk Containing Sequence Listing (1 Disk)
- Statement to Support Filing and Submission in Accordance  
with 37 C.F.R. §§ 1.821-1.825 (1 page)

08/24/2004 MBELETE1 00000027 500872 10603891  
02 FC:1251 110.00 DA

Return postcard.

Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

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Extension for response filed within the first month  
 Extension for response filed within the second month  
 Extension for response filed within the third month  
 Extension for response filed within the fourth month  
 Extension for response filed within the fifth month

The filing fee is calculated below:

	Claims as Filed	Included in Basic Fee	Extra Claims	Rate	Fee Totals
Basic Fee				\$770.00	\$770.00
Total Claims:	36	- 20 = 16	x \$18.00 =		\$288.00
Independents:	3	- 3 = 0	x \$86.00 =		\$0.00
If any Multiple Dependent Claim(s) present:			+ \$290.00 =		\$0.00
Surcharge under 37 CFR 1.16(e) for late filing of Executed Declaration			+ \$130.00 =		\$130.00
<input checked="" type="checkbox"/> Extension fee for response filed within the first month:			+ \$110.00 =		\$ 110.00
			SUBTOTAL: =		\$1,298.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):			=		\$0.00
			TOTAL FILING FEE: =		\$1,298.00
Difference to pay:			TOTAL FEE =		\$1,298.00
			- \$1,168.00 -		\$130.00

Please charge Deposit Account No. 50-0872 in the amount of \$130.00 in payment of surcharge fee (37 C.F.R. § 1.16(e))

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

By Barry Wilson

Date August 19, 2004

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